

Introduced by Senator Soto

February 17, 2006

An act to amend Section 57053 of the Health and Safety Code relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

SB 1349, as introduced, Soto. Consolidated permits: repairs.

Existing law authorizes a responsible party to request a permit assistance center operated by office of the Secretary for Environmental Protection to designate a consolidated permit agency for a repair or maintenance project, subject to specified requirements regulating the repair and maintenance of commercial and industrial facilities or structures.

This bill would make a technical, nonsubstantive change in those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 57053 of the Health and Safety Code is
- 2 amended to read:
- 3 57053. (a) Any responsible party may request the office to
- 4 designate a consolidated permit agency for a repair or
- 5 maintenance project to administer the processing and issuance of
- 6 a consolidated permit for the repair or maintenance project
- 7 subject to this division. The office is not authorized to act
- 8 pursuant to this chapter in the absence of a request by a
- 9 responsible party. The office shall designate a consolidated

1 permit agency within 30 days from the date that the request was
2 received.

3 (b) A responsible party that requests the designation of a
4 consolidated permit agency shall provide the office with a
5 description of the repair or maintenance project, a preliminary
6 list of the repair or maintenance project permits that the repair or
7 maintenance project may require, the identity of any public
8 agency that has been designated the lead agency for the repair or
9 maintenance project pursuant to Chapter 4.5 (commencing with
10 Section 65920) of Division 1 of Title 7 of the Government Code
11 or Division 13 (commencing with Section 21000) of the Public
12 Resources Code, and the identity of the participating permit
13 agencies. The office may request any information from the
14 responsible party that is ~~necessary~~ *needed* to make the
15 designation under subdivision (a), and may convene a scoping
16 meeting of the likely consolidated permit agency and
17 participating permit agencies to make that designation.

18 (c) In those cases where a public agency is the lead agency for
19 purposes of Chapter 4.5 (commencing with Section 65920) of
20 Division 1 of Title 7 of the Government Code or Division 13
21 (commencing with Section 21000) of the Public Resources Code,
22 that agency shall be the consolidated permit agency. In other
23 cases, the following factors shall be considered in determining
24 which public agency has the greatest overall jurisdiction over the
25 repair or maintenance project:

26 (1) The type of facility or structure that is the subject of the
27 proposed repair or maintenance project.

28 (2) The nature of the threat that a failure to repair and maintain
29 the structure or facility poses to public health or safety or to the
30 environment, including the environmental medium that may be
31 ~~affected~~ *impacted* by a failure to repair and maintain the structure
32 or facility.

33 (3) The environmental and human health and safety concerns
34 that should be considered in properly carrying out the repair or
35 maintenance project.

36 (4) The statutory and regulatory standards applicable to the
37 repair or maintenance project.

38 (d) The consolidated permit agency shall serve as the main
39 point of contact for the responsible party with regard to the
40 processing of the consolidated permit for the repair or

1 maintenance project and shall coordinate the procedural aspects
2 of the processing consistent with existing laws governing the
3 consolidated permit agency and participating permit agencies,
4 and with the procedures agreed to by those agencies in
5 accordance with Section 57053.1. In carrying out those
6 responsibilities, the consolidated permit agency shall ensure that
7 consolidated permit applicant has all of the information needed to
8 apply for all of the component repair or maintenance project
9 permits that are incorporated in the consolidated permit,
10 coordinate the review of those repair or maintenance project
11 permits by the respective participating permit agencies, ensure
12 that timely permit decisions are made by the participating permit
13 agencies, and assist in resolving any conflict or inconsistency
14 among the repair or maintenance project permit requirements and
15 conditions that are to be imposed by the participating permit
16 agencies with regard to the repair or maintenance project.

17 (e) This division shall not be construed to limit or abridge the
18 authority or responsibilities of any participating permit agency
19 pursuant to the law that authorizes or requires the agency to issue
20 a permit for a repair or maintenance project or to grant any
21 agency any new powers independent of those granted by other
22 laws. Each participating permit agency shall retain its authority
23 to make all decisions on all nonprocedural matters with regard to
24 the respective component repair or maintenance project permit
25 that is within the scope of its authority or responsibility,
26 including, but not limited to, the determination of permit
27 application completeness, permit approval or approval with
28 conditions, or permit denial. The consolidated permit agency
29 may not substitute its judgment for that of a participating permit
30 agency on any such nonprocedural matters.